IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 30666 of 2005(A)

OS.318/1988 of MUNSIFF COURT, PERUMBAVOOR
.....

PETITIONER:

JANAKI, D/O.LATE PARVATHY,
PIULICKAPURATH HOUSE, ASAMANNOR VILLAGE,
ASAMANOOR KARA, KUNNATHUNADU TALUK,
MUVATTUPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS:

KESAVAN NAMPOODIRI,
S/O.VAMANAN NAMBOODIRI, KARAKKATU ILLAM,
ASAMANNOOR VILLAGE, ASAMANNOOR KARA,
MUVATTUPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.DINESH R.SHENOY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE JUDGMENT DT.30.6.97 IN AS NO.46 OF 1994 OF THE ADDITIONAL DISTRICT JUDGE, NORTH PARAVUR.

EXT.P2 : TRUE COPY OF THE JUDGMENT DT.19.05.2005 IN CMA NO.237 OF 1998 OF THIS HON'BLE COURT.

EXT.P3 : TRUE COPY OF THE JUDGMENT DT.13.7.05 INRP NO.477 OF 2005 OF THIS HON'BLE COURT.

EXT.P4 : TRUE COPY OF THE PLAINT IN OS NO.318 OF 1988 FILED BEFORE THE MUNSIFF'S COURT, PERUMBAVOOR.

EXT.P5 : TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN OS NO.318 OF 1988.

EXT.P6 : TRUE COPY OF THE RELEASE DEED NO.889/1122 M.E. OF SUB REGISTRY OFFICE, PERUMBAVOOR.

EXT.P7 : TRUE COPY OF THE RENT DEED DT.23.6.1967.

EXT.P8 : TRUE COPY OF THE ORDER DT.29.9.05 IN OS NO.318/1988 OF THE MUNSIFF'S COURT, PERUMBAVOOR.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 30666 OF 2005

Dated this the 29th day of May, 2007

JUDGMENT

Ext.P8 order by which the learned Munsiff refused to refer the question of Kudikidappu claimed by the respondent-defendant over the suit property is under challenge in this proceeding under Article 227 of the Constitution of India. It is clear on a reading of Ext.P8 that the learned Munsiff had kept in mind the judgment of the Supreme Court in **Thomas Antony v. Varkey** [2000(1) KLT 12 (SC)] and other judicial precedents governing the issue. It cannot be said that Ext.P8 order is so wholly unreasonable as to warrant interference under the visitorial jurisdiction of this Court under Article 227. Et.P8 is confirmed and the Writ Petition is dismissed. No costs.

PIUS C. KURIAKOSE, JUDGE

btt